HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 14971 of 2002

Dated 4th July, 2007

Between
Toddy Tappers Copperative Society,
Sarampally, Sircilla Mandal, Karimangar District
Rep. By its President Gugilla Yella Goud

…Petitioner

and

The Prohibition & Excise Superintendent,
Karimnagar District, Karimangar, and ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 14971 of 2002

ORDER:

The petitioner, a Toddy Tappers Cooperative Society, filed this Writ Petition seeking Writ of Mandamus to direct the respondents to permit the society to continue its toddy business as per Licence No. 896 by allotting additional toddy trees and to declare the action of the first respondent in granting separate licence in favour of respondents 2 to 7 under Tree for Tapper scheme as illegal and arbitrary.

In the affidavit filed in support of the Writ Petition it is stated that the petitioner-society was granted licence bearing No. 896 on 17-4-2002 to vend toddy at Sarampally in Sircilla Mandal of Karimnagar district. It is further stated that in view of large number of members in their society, the existing ration, i.e. allotment of trees to the members

of the society is not sufficient, and in that view of the matter, they made representation to the first respondent on 13-5-2002 for allotment of 30 additional toddy trees in addition to the existing allotted trees. It is their grievance that respondents 2 to 7 are members of the petitioner-society and in spite of the same, separate licence is granted in their favour.

Though separate licence granted in favour of the respondents 2 to 7 is also challenged in the Writ Petition, but however, the learned Counsel for the petitioner submits that he is not pressing for the said relief and seeks direction for allotment of additional toddy trees in favour of the petitioner-society.

In the counter affidavit filed on behalf of the first respondent, while generally denying the allegations of the petitioner, it is stated that there are 40 toddy trees kept reserved in Sarampally tope to consider for allotment as requested by the petitioner-society.

From the counter affidavit filed on behalf of the first respondent, it is clear that there are additional toddy trees which are not allotted in favour any licencee and kept reserved in the Sarampally tope itself. It is stated that the petitioner-society had made representation on 13-5-2002 for allotment of additional toddy trees. In that view of the matter, I dispose of the Writ Petition permitting the petitioner-society to make fresh representation within a period of six weeks from the date of receipt of a copy of this order for allotment of additional toddy trees and on such filing of the representation, the first respondent shall consider the same for allotment of additional toddy trees in favour of the petitioner-society as per the policy which is now in force, within a period of six weeks from the date of receipt of such representation.

Subject to the above direction, the Writ Petition is disposed of.

No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 4-7-2007.
Msnr.